



The State Bar *of California*

OPEN SESSION

AGENDA ITEM

JANUARY 2020

REGULATION AND DISCIPLINE COMMITTEE III.C

DATE: January 24, 2020

TO: Members, Regulation and Discipline Committee

FROM: Brandon Stallings, Chair, Regulation and Discipline Committee

SUBJECT: Discussion and Adoption of the 2020 Regulation and Discipline Committee Work Plan

EXECUTIVE SUMMARY

The Committee on Regulation and Discipline (RAD) is responsible for monitoring the operational and financial performance of the State Bar's Regulation and Discipline functions. Section 2.11 of the Board of Trustees Policy Manual requires Board Committees to submit an annual work plan. The Chair and Vice-Chair of RAD, in collaboration with State Bar have developed the following draft work plan for discussion and finalization by the full Committee.

BACKGROUND

The Committee on Regulation and Discipline (RAD) has oversight responsibility for a number of State Bar initiatives that occur every year and also for a number of time-limited projects. The draft work plan that follows was developed by the Chair and Vice-Chair of RAD in collaboration with State Bar staff. It is organized to distinguish between RAD's recurring work and time limited projects.

DISCUSSION

See Attachment A for work plan.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES OF THE STATE BAR

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & OBJECTIVES

Goal: 1. Successfully transition to the “new State Bar” — an agency focused on public protection, regulating the legal profession, and promoting access to justice.

Objective: b. Implement and pursue governance, composition, and operations reforms needed to ensure that the Board’s structure and processes optimally align with the State Bar’s public protection mission.

RECOMMENDATIONS

Should the Regulation and Discipline Committee concur in the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Regulation and Discipline Committee adopt the 2020 Regulation and Discipline Committee Work Plan included with this item as Attachment A, subject to approval by the Board Executive Committee.

ATTACHMENT(S) LIST

- A.** Regulation and Discipline Committee 2020 Work Plan

Annual / Recurring Items	To Committee? / By When?	To Board? / By When?	Link to Strategic Plan	Status
<ul style="list-style-type: none"> Discipline System Statistical Report (DSSR) – This bimonthly report includes approved Discipline System Metrics and additional data points from all components of the discipline system 	Yes / Distribute via RAD Committee Agenda	No	Goal 2 Objective C	
<ul style="list-style-type: none"> Review of the Annual Discipline Report (ADR) <ul style="list-style-type: none"> Business & Professions Code section 6086.15 says that State Bar “shall issue an Annual Discipline Report by April 30 of each year describing the performance and condition of the State Bar discipline system, including all matters that affect public protection.” 	Yes / March 2020	Yes / March 2020	NA / Compliance	
<ul style="list-style-type: none"> Performance review of the Chief Trial Counsel <ul style="list-style-type: none"> Article 3, Section 3 of the Policy Manual gives RAD responsibility for conducting the Chief Trial Counsel’s evaluation. 	Yes / March 2020	Yes / TBD	NA / Compliance	
<ul style="list-style-type: none"> Reports by entities within RAD’s purview <ul style="list-style-type: none"> Professional Competence Probation / Lawyers Assistance Program State Bar Court Client Security Fund 	Yes/ March 2020 March 2020 May 2020 July 2020	No	Goal 2 Objective C	

Time-Limited Items	To Committee? / By When?	To Board? / By When?	Link to Strategic Plan	Status
<ul style="list-style-type: none"> • ADR messaging and marketing <ul style="list-style-type: none"> ○ Is the ADR effectively reporting the work of the State Bar? If not, what should be included in the ADR? 	Yes / March 2020	No	Goal 5	
<ul style="list-style-type: none"> • Discussion of OCTC hiring and retention 	Yes / May 2020	TBD	Goal 2	
<ul style="list-style-type: none"> • Conduct analyses that will inform understanding of fairness in the discipline system, predictive analytics related to discipline, challenges of aging attorneys, and incidence of substance abuse in the discipline system. • For example: examine initial charges and ultimate disposition of OCTC cases to determine: <ul style="list-style-type: none"> ○ The relationship between allegations and the final disposition of cases; ○ The role the charge of moral turpitude plays in final disposition ○ The cost of achieving particular outcomes through litigation relative to cost of achieving similar outcomes through settlement. • These projects will be also informed by in-depth review of case files to capture data points not available in electronic files 	<p>May 2020 – Report out on exploratory analyses</p> <p>July 2020 – Report out on alignment of data with categories of research (fairness, elder attorneys, substance abuse, efficiency)</p> <p>November 2020 – Report out on overall findings</p>	TBD	Goal 2	
<ul style="list-style-type: none"> • Computational Law Logic Model – develop and evaluate possible algorithmic processes for identifying online complaints. 	Yes/ TBD		N/A	